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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SHIGEYUKI SANO

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EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 08/06/2004

33

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/389,557

Applicant(s)

SANO ET AL.

Examiner

Jeffery A Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/21/2004 has been entered. The amendments to claims 1 and 9 have been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 6/21/2004 have been fully considered but they are not persuasive. The argument that the processor (306) is only informed of the fact that one of the sensing resistors is being pressed but is not capable of distinguishing which one is not persuasive because: 1) the processor does not need to know which one of the sensing resistors is supplying a signal, it only needs to be able to determine that similarity of action is occurring; and 2) Sombroek at column 7 lines 24-37 describes processor 306 as determining the up, down, left and right timer counts. Clearly processor 306 does distinguish which sensing resistor is being pressed. Sombroek does determine similarity of action by determining that the up, down, left, and right buttons have been depressed within a certain time period, thus, determining the similarity of action by the user to move the cursor from one location to another more distant location. The argument that Sombroek is merely teaching controlling a cursor

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while the presently claimed invention is controlling the speed of movement of a sub-screen displayed together with a main screen on a display screen is not persuasive because the type of sub-screen is not being claimed. At page 9 lines 19-23 of applicant's specification applicant describes controlling sub-screen, cursor and pointer. Since a displayed cursor is a sub-screen containing the image of a cursor and since the claims do not claim what is in the sub-screen then the claimed sub-screen and a cursor are the same thing.

Applicants system controls the speed of movement of the sub screen containing the compressed video signal of the sub screen, see page 5 lines 6-25. Sombroek only teaches controlling a sub-screen containing a cursor.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant amended line 18 of claim 1 and line 16 of claim 9 to claim "when each of said first and second command means is activated continuously". Before this amendment "when one of said first and second command means is activated continuously" was claimed. Line 21 of claim 1 and line 18 of claim 9 claim "wherein said processing means judges similarity of said command signals when another one of said first and second command means is activated at the state of said

predetermined moving speed". Claim 1 contradicts itself since line 18 claims "each" and line 21 claims "another". If each are activated then how can another be activated?

Similarly claim 9 contradicts itself.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sombroek, EP 0 631 223 A1. Sombroek at column 5 lines 37-43 describes continuing the shifting of the speed of the cursor. Sombroek describes on column 4 lines 6-9 a joystick used as a user interface tool. At column 4 lines 36-49 Sombroek describes how the cursor is moved at one speed for a first time period and then accelerates to a second speed after the first time period has elapsed. The joystick corresponds to the claimed first and second command means because the joystick supplies at least four signals indicative of left, right, up, and down movement commands. Note figure 4 and pressure sensitive resistors 402-408. Thus, movement of the joystick by the user, indicative of left, right, up, and down, is judged by 304 and 306 as being similar types of input irregardless of direction (column 7 line 45 to column 8 line 7) causing the speed of the cursor to increase as the command means 402-408 in aggregation continuously produces an output within a first time period.

A detailed analysis of the claims follows.

Claim 1:

Sombroek teaches a control apparatus for controlling a displayed position of a sub-screen (*the cursor is displayed in a sub-screen of the main screen*) displayed together with a main screen on a display screen, comprising:

first command means (*Both applicant and Sombroek use a joystick.*) to control said position of a sub-screen in a first direction (*The left and right signals of the joystick are generated by a first command means to control the position of the cursor in a first direction.*);

second command means (*Both applicant and Sombroek use a joystick.*) to control said position of a sub-screen in a second direction (*The up and down signals of the joystick are generated by a second command means to control the position of the cursor in a second direction.*); and

processing means for receiving command signals from said first and second command means and for outputting a control signal to control said displayed position of said sub-screen in said first and second directions in response to said command signals (*When the first and second command means is activated for a period less than  $t_1$  the speed of moving the cursor will be maintained at the initial speed, thus, when they are activated*

*intermittently the time period will be less than  $t_1$ , see column 4 lines 36-49 and figure 2);*

wherein said processing means increases at a predetermined moving speed said displayed position of said sub-screen from an initial moving speed when [one] each of said first and second command means is activated continuously (At column 4 lines 36-49 Sombroek describes increasing the speed of moving the cursor after one or both of the first and second command means are activated continuously beyond time period  $t_1$ . At column 4 lines 36-49 Sombroek describes how the cursor is moved at one speed for a first time period and then accelerates to a second speed after the first time period has elapsed. Movement of the joystick by the user, indicative of left, right, up, and down, is judged by 304 and 306 as being similar types of input irregardless of direction (column 7 line 45 to column 8 line 7) causing the speed of the cursor to increase as the command means 402-408 in aggregation continuously produces an output within a first time period.);

wherein said processing means judges similarity of said command signals when another one of said first and second command means is activated at the state of said predetermined moving speed (Converter 304 and processor 306 determines if the left, right, up, and down signals from pressure sensitive resistors 402-408 as being similar types of input irregardless

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*of direction (column 7 line 45 to column 8 line 7) since the outputs of pressure sensitive resistors 402-408 are tied together at node 412 column 6 lines 50-51 and their outputs are applied to converter 304. Sombroek's look up table inherently stores values corresponding to the different speed ranges, V1, V2, V3, etc. The calculating means 438 produces a judgment on the similarity of the alternate actions made by the first and second command means based upon the valued stored in the addressed location in the look up table corresponding to the count. Another one is a broad term and is met by the other of up or down and left or right.); and*

*wherein said processing means continues said predetermined increase of moving speed when said similarity is found (At column 5 lines 41-44 Sombroek describes increasing the speed from v1 to v2 to v3 to etc. At column 8 lines 2-7 Sombroek describes continuing to increase the speed after similarity has been determined.) and returns to said initial moving speed when said similarity is not found (When the joystick is returned by the user to the center position, the speed of the cursor is returned to zero, column 5 lines 29-35.).*




Claim 9:

This claim is a method version of claim 1 and claims the same functions that claim 1 claims. This claim is rejected for the reasons given for claim 1.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is 703-305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jeffery A Brier  
Primary Examiner  
Art Unit 2672